

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

THERESA TORRICELLAS,

Plaintiff,

V.

KIMBERLY HUGHES, et al.,

Defendants.

No. EDCV 17-928 AG (AJW)

ORDER DISMISSING COMPLAINT

Plaintiff, a prisoner proceeding pro se, filed the complaint pursuant to 42 U.S.C § 1983 on May 12, 2017. [Dkt. 1]. On July 24, 2017, the complaint was dismissed with leave to amend based upon the magistrate judge's determination that it failed to state a claim on which relief may be granted. [Dkt. 6]. See 28 U.S.C. § 1915A(b); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Lopez v. Smith, 203 F.3d 1122, 1126-1127 & n. 7 (9th Cir. 2000)(en banc). Plaintiff was given leave to file an amended complaint curing the deficiencies identified in the order. See Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012). Plaintiff also was informed that she could file a notice of intent not to amend the complaint, and that such a notice would be construed as indicating that plaintiff declines to amend her complaint and wishes to challenge the dismissal of her complaint by seeking appellate review in the Court of Appeals. See Edwards v. Marin Park, Inc., 356 F.3d 1058, 1063-1066 (9th Cir. 2004).

1 On October 27, 2017, plaintiff filed a notice of intent not to amend the complaint. [Dkt. 11]. That
2 notice included objections to the order dismissing the complaint with leave to amend. The court has
3 considered plaintiff's objections. Because plaintiff has not shown that any aspect of the order dismissing
4 the complaint with leave to amend is clearly erroneous or contrary to law, no aspect of that order is modified
5 or set aside. See Fed. R. Civ. P. 72.

6 For the reasons set forth in the July 24, 2017 order, which are accepted by the court, and based upon
7 plaintiff's notice of intent not to amend the complaint, the complaint is dismissed with prejudice.

8 **IT IS SO ORDERED.**

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10 Dated: 11/30/17



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12 _____
Andrew J. Guilford
United States District Judge